

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>BRIAN BONNER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.: 3:06-cv-00715-MHT</b>
	)	
<b>NORINCO a/k/a</b>	)	
<b>CHINA NORTH INDUSTRIES CORP.</b>	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT CHINA NORTH INDUSTRIES CORPORATION’S  
MOTION FOR LEAVE TO FILE REPLY BRIEF**

Defendant China North Industries Corporation (“Norinco”) hereby moves the Court for leave to file a reply brief to Plaintiff’s Memorandum Brief in Opposition to China North Industries Corporation’s Motion for Summary Judgment. As grounds for this motion, Norinco states as follows:

1. On February 14, 2008, Norinco filed a Motion for Summary Judgment, along with a supporting brief and evidentiary submission, based on (1) the plaintiff’s negligence in failing to engage the subject shotgun’s safety and in placing his right hand over the muzzle of the loaded, cocked gun; and (2) the plaintiff’s lack of evidentiary support for his theory of causation.

2. On February 19, 2008, the Court entered an Order setting Norinco’s Motion for Summary Judgment for submission, without oral argument, on March 6, 2008, with any opposing brief and evidentiary materials due by that date. The Court’s Order did not provide for the filing of any reply by Norinco.

3. On March 6, 2008, the plaintiff submitted his opposition to Norinco's Motion for Summary Judgment. In his opposition brief, the plaintiff has attempted to create a dispute of fact with "facts" that are based on speculation or on deposition testimony that the plaintiff ultimately recanted. The plaintiff has also changed his allegation that the subject shotgun "fell apart" to an allegation that he sensed the barrel sliding off while the gun was pointing upward — an allegation that defies the laws of gravity.

4. Norinco wishes to have an opportunity to identify more specifically the deficiencies of the plaintiff's opposition brief to demonstrate that there is no dispute of material fact and that summary judgment is appropriate.

For the foregoing reasons, Norinco respectfully requests leave to file a reply brief to Plaintiff's Memorandum Brief in Opposition to China North Industries Corporation's Motion for Summary Judgment.

Respectfully submitted,

s/ James C. Barton, Jr.

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the above and foregoing with the Clerk of the Court on March 6, 2008, using the CM/ECF system, which will send notification of such filing to the following:

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